

Federal Bureau of Prisons, the chief executive officer of a State (or his or her designee), or the person in charge of a county or local correctional facility not under the authority of the chief executive officer of a State.”.

SEC. 3. FCC RULEMAKING REQUIRED.

Within 180 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding and shall promulgate final regulations governing the use of jamming systems in correctional facilities under section 333A of the Communications Act of 1934 (47 U.S.C. 333A). In the proceeding, the Commission shall—

(1) solicit and consider the recommendations of the National Telecommunications and Information Administration, as well as 1 or more entities with relevant technical expertise in order to develop standards and processes for such jamming systems and jamming devices (as such terms are defined in that section); and

(2) consider all available technologies capable of preventing the operation of unauthorized wireless communications devices in correctional facilities, including those devices that may evade detection by the supervisory authority of such a facility.

SEC. 4. DEVICE CERTIFICATION CRITERIA RULEMAKING.

(a) *IN GENERAL.*—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall adopt a final rule establishing criteria for certification for the manufacture, sale, importation, and interstate shipment of devices that may be used pursuant to authorization under section 333A of the Communications Act of 1934 (47 U.S.C. 333A), notwithstanding section 302 of such Act (47 U.S.C. 302). In carrying out the requirements of this subsection, the Commission shall consider whether such devices can effectively prevent, jam, or interfere with wireless communications within a correctional facility (as defined in section 333A(g)(2) of that Act (47 U.S.C. 333A(g)(2))) without causing harmful interference with commercial mobile services between points outside facility boundaries, or public safety agency wireless communications services between points inside, pursuant to a public safety agency responding to an incident in a correctional facility, and outside facility boundaries. The regulations shall require, at a minimum, that any such device—

(1) operate at the lowest technically feasible transmission power that will permit correctional facility staff to prevent, jam, or interfere with wireless communications within the geographic boundaries of a correctional facility by individuals held in the facility;

(2) be capable of directionalized operation and limited to approved frequencies;

(3) comply with any other technical standards deemed necessary or appropriate by the Commission to ensure that the device does not create interference to other than the targeted wireless communications;

(4) be marketed and sold only to correctional facility supervisory authority (as defined in section 333A(g) of the Communications Act of 1934 (47 U.S.C. 333A(g))) authorized by the Commission under section 333A of that Act (47 U.S.C. 333A) to possess and operate such a device; and

(5) is capable of being shut off from jamming public safety agency communications within and around a correctional facility when a public safety agency is responding to an incident at the facility, such as a fire, explosion, medical emergency, or otherwise.

(b) *TECHNICIAN CREDENTIALING.*—As part of the rulemaking proceeding required by subsection (a), the Commission shall seek public comment on whether to establish minimum training, certification, and eligibility requirements for technicians qualified to work on jamming systems installed and operated by a supervisory authority. The Commission may establish such training, certification, and eligibility cri-

teria as part of the final rule adopted under subsection (a).

(c) *CERTIFICATION PROCESS.*—The Commission shall conduct field testing of proposed devices to determine whether they can operate without causing harmful interference with commercial mobile service communications outside the boundaries of such a correctional facility or public safety agency wireless communications inside, pursuant to a public safety entity responding to an incident in a correctional facility, and outside the boundaries of such a correctional facility. The Commission shall conduct such testing through a public testing process and program. After the date on which the final rule promulgated under subsection (a) is published in the Federal Register, the Commission shall grant or deny an application for certification of a device described in subsection (a) within 120 calendar days of receiving an application therefor.

(d) *LIST OF DEVICES.*—The Commission shall maintain a list of all approved devices on its web site including the make and model of each approved device and its technical specifications and operating parameters.

Mr. DURBIN. I ask unanimous consent that the committee-reported substitute be agreed to; the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 251), as amended, was ordered to be engrossed for a third reading, was read the third time and passed.

PHARMACY DME ACCREDITATION DELAY

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3663, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 3663) to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3663) was ordered to a third reading, was read the third time, and passed.

REAFFIRMING HISTORIC TIES BETWEEN THE UNITED STATES AND THE NETHERLANDS

Mr. DURBIN. I ask unanimous consent that the Foreign Relations Committee be discharged from further con-

sideration of H. Con. Res. 178 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 178) expressing the sense of Congress that we reaffirm the historic ties between the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 178) was agreed to.

The preamble was agreed to.

WORLD MRSA DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 301, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A bill (S. Res. 301) designating October 2, 2009, as “World MRSA Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 301) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 301

Whereas methicillin-resistant *Staphylococcus aureus* (MRSA) causes deadly infections in patients that are receiving treatment in health care facilities and affects numerous individuals within our Nation's communities;

Whereas the Centers for Disease Control and Prevention has estimated that hospital-acquired MRSA infections killed more than 19,000 individuals in the United States in 2006;

Whereas patient and consumer advocacy organizations around the world are lending their voices to a call for leadership and an